

UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

In the Matter of:

TOMATRAGAMALIEL MINOR

Debtor

Chapter 13

Case No. 18-12874-KHK

MOTION TO DISMISS WITH PREJUDICE,
NOTICE OF MOTION TO DISMISS WITH PREJUDICE
AND
NOTICE OF SCHEDULED HEARING ON THIS MOTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this motion to dismiss your Chapter 13 case with prejudice to refiling. The cause for this motion is as follows:

Pursuant to 11 U.S.C. §1307(c) - Lack of Good Faith.

- This is Debtor's fourth case in just over two years as follows:

16-10614-KHK Tomatragamaliel Minor

Chapter: 13 Date filed: 02/23/2016 Plan confirmed: 09/16/2016

Debtor dismissed: 02/28/2017

Dismissed on Trustee's Motion to Dismiss for material default

17-12851-BFK Tomatragamaliel Minor

Chapter: 13 Date filed: 08/22/2017

Debtor dismissed: 12/05/2017

Dismissed upon Denial of Confirmation

18-10206-BFK Tomatragamaliel Minor

Chapter: 7 Date filed: 01/18/2018

Debtor discharged: 07/09/2018

- Debtor does not appear to have the ability to make the proposed Plan payment, and has not proposed a good faith Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

Notice and Motion to Dismiss with Prejudice

Tomatragamaliel Minor, Case #18-12874-KHK

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

Attend the hearing to be held on October 25, 2018 at 9:30 a.m., in Courtroom III on the 3rd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste. 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: __October 4, 2018__

____/s/ Thomas P. Gorman____
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

Notice and Motion to Dismiss with Prejudice

Tomatragamaliel Minor, Case #18-12874-KHK

CERTIFICATE OF SERVICE

I hereby certify that I have this 4th day of October, 2018, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Dismiss with Prejudice, Notice of Motion and Notice of Hearing to the following parties.

Tomatragamaliel Minor
Chapter 13 Debtor
2427 Brookmoor Lane
Woodbridge, VA 22191

Robert Sergio Brandt
Attorney for Debtor
1513 King Street
Alexandria, VA 22314

/s/ Thomas P. Gorman
Thomas P. Gorman